

Thomas Whitehead  
Vice President, Federal Government Affairs  
Windstream Services, LLC  
1101 17<sup>th</sup> Street, N.W., Suite 802  
Washington, DC 20036

(202) 223-7668  
thomas.whitehead@windstream.com



**VIA ECFS**

***EX PARTE***

October 22, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141;  
*Connect America Fund*, WC Docket No. 10-90; *8YY Access Charge Reform*, WC Docket No. 18-156

Dear Ms. Dortch:

On October 18, 2018, Tony Thomas, President and Chief Executive Officer of Windstream Services, LLC (“Windstream”) and the undersigned met separately with: Commissioner Brendan Carr and his Policy Advisor, Evan Schwarztrauber; Commissioner Michael O’Rielly, Arielle Roth (his Wireline Advisor) and Kagen Despain; Travis Litman (Commissioner Jessica Rosenworcel’s Chief of Staff and Legal Advisor); and Matthew Berry and Preston Wise (Chief of Staff and Attorney Adviser in Chairman Pai’s office, respectively).

In each of the meetings, Windstream discussed the following points:

- Windstream described its continued support for the deal reached among USTelecom members on unbundled network elements forbearance, as described in USTelecom’s June ex parte.<sup>1</sup>
- Windstream shared its perspective on the outcome of the recently concluded Connect America Fund Phase II auction. In particular, Windstream highlighted its concerns around the ability of some of the winning bidders to fulfill their deployment obligations. Windstream also expressed its view that the weighting methodology applied to latency did not adequately reflect consumer differentiation between high-latency and low-latency services.

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<sup>1</sup> See USTelecom Ex Parte, WC Docket No. 18-141 (filed June 21, 2018).

- With respect to 8YY intercarrier compensation reform, Windstream set out the arguments raised in its reply comments with NTCA–The Rural Broadband Association.<sup>2</sup>
- Windstream reiterated its view that, while it is not opposed to addressing fraudulent and abusive network management schemes, the Commission’s proposal to move all originating 8YY access charges to bill-and-keep would result in a windfall to large 8YY providers and shift costs to consumers.<sup>3</sup>
- Windstream further emphasized that, to date, the record has not demonstrated the widespread existence of 8YY abuse. Rather, the providers who stand to benefit from the Commission’s proposed reforms have consistently failed to give any specific examples of such abuse.<sup>4</sup>
- Windstream shared its view that, because of ongoing, sector-wide declines in 8YY access revenues, there is no need for the Commission to take the radical step of moving to bill-and-keep within three years. Instead, the Commission should either let 8YY revenues decline on their own over time or consider adopting a longer transition period that simultaneously accounts for such declines, while avoiding the elimination of revenues that are relied on, especially by rural LECs, to continue investing in broadband.

Please contact me if you need additional information.

Sincerely,

*/s/ Thomas Whitehead*

Thomas Whitehead

cc: Commissioner Brendan Carr  
Commissioner Michael O’Rielly  
Matthew Berry  
Kagen Despain  
Travis Litman  
Arielle Roth  
Evan Schwarztrauber  
Preston Wise

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<sup>2</sup> See Reply Comments of Windstream Services, LLC and NTCA–The Rural Broadband Association, WC Docket No. 18-156 (filed October 1, 2018).

<sup>3</sup> See *id.* at 6-7.

<sup>4</sup> See *id.* at 2-6.